MINUTES TOWN OF EAST FISHKILL TOWN BOARD MEETING SEPTEMBER 24, 2020 7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on September 24, 2020 was called to order at 7:00 p.m. by Supervisor D'Alessandro.

Supervisor's Announcements

Supervisor D'Alessandro stated the Police Chief and Supervisor have been continuing discussions with Dutchess County and the mayors and supervisors within the county that have police departments. They are complying with the New York State Police Reform and Reinvention Collaborative. Calls with the County Executive are being continued. East Fishkill is one of only three accredited police agencies within Dutchess County. This has to be redone every four years. Executive Order 203 stipulates that every municipality with their own police department has to have a public comment meeting. This requirement was met on Tuesday night. He thanked everyone who participated.

The water filtration project at Hillside Lake is being worked on. There was a delay because of Covid. Construction is taking place. He thanked the Highway Superintendent and crew for doing a lot of the work there. The Consent Order from the DEC has been received and they want to fine the Town \$50,000. Supervisor D'Alessandro spoke with the Commissioner of the DEC who stated they would probably mitigate that fine to possibly half or less as long as they adhere to all of the demands in the order. Those demands are very costly. They have reached out to the Town Engineers that do dam safety and engineering. He will inform the Board of the outcome of the meeting.

Tropical Storm Isaias hit East Fishkill extremely hard with 80% of people, and they are still fighting with Optimum. The storm did cost the Town and they are working with FEMA to see if there are reimbursable expenses. Dutchess County was close to meeting the threshold for reimbursement. He thanked the Comptroller for his work on that as well as all of the first responders who assisted with the storm. The Highway Department did a tremendous amount of work as well.

Last month a resolution was passed to receive an application from Blue Water Realty for a Redevelopment Permit for the West Complex. Interested and involved agencies were notified. This would be constructed behind the dome. There will be a Public Hearing November 5 at 7 PM with the Planning Board as well as a special workshop. There will also be a special voting meeting at the October workshop for the Town to declare Lead Agency for this project. He thanked the professional staff for all of their assistance with this. The Economic Development Committee has been very useful for bringing new uses into the town as well. He

wanted everyone to know that the Town has no control over private building such as the Dome. It is the Town's responsibility to make sure they get inspected and follow all State and Town Codes. They cannot force them to finish the job. He has the 2021 Town Preliminary Budget to present to the Board. He feels it is a very quality budget. The budget will be reviewed at the October 8 workshop and the Budget Hearing will be on October 22 to be voted on. The budget being presented today is below the New York State mandated tax. They have addressed the major concerns such as paving and drainage. There is possibly a million-dollar shortfall this year with income. He thanked all department heads and employees for helping with the spending holds. People who took buyouts were not replaced. The Town has never broken the New York State tax cap and he stated it probably never will.

Last month Supervisor D'Alessandro met with the Fire Commissioners for the quarterly meeting. The Town has the largest volunteer fire department in Dutchess County and he thanked them for their service.

Supervisor D'Alessandro has been in communication with the EPA regarding the Hopewell North Water District. There were some problems at the pump house at the new filtration building. Things have been repaired.

Roll the Call: Supervisor D'Alessandro asked Town Clerk Hurray, to call the rolls.

Board Members in attendance:

Peter Thomas Emanuele Anil Nicolas Cassidy Franco Marinaro Beephan D'Alessandro

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Ken Williams, Highway Superintendent; Chief Bellino, East Fishkill Police Department. Clerk Hurray was attending via video.

Public Hearing:

1. Open Public Hearing with respect regarding Commercial Filming within the Town.

Motion to open the Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated a lot of times people want to do filming in the town. There are no laws or permitting in place to regulate these sort of things. There was a request to do some local filming, but they wanted to close down roads and do some work in the area. There needs to be some guidelines for this

activity.

Supervisor D'Alessandro asked if there was anyone to speak for or against this local law. There was no one. He asked if there were any questions or comments from Town Board members.

Board Member Marinaro suggested that besides the Town Supervisor, the Engineer, and the Highway Superintendent, that the Police Chief is also included to review and approve the applications. Supervisor D'Alessandro stated that would not be a problem.

Board Member Beephan asked if this excluded commercials if a small business wanted to do something. Supervisor D'Alessandro stated that was correct. Attorney Wood stated this was to make sure that everyone involved would get notice and protects the Town liability wise. Closing roads while using the property would still need to be approved by the Town Board.

Board Member Franco asked if the fees would be determined at a later date and Supervisor D'Alessandro said yes, there will be a separate resolution for that.

a. Close Public Hearing

Motion to close the Public Hearing: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

Adopt Negative Declaration and Adopt Local Law

Local Law 7 of 2020

"Regulation of Filming Within the Town of East Fishkill"

1. Legislative intent.

The Town has experienced a significant increase in requests to film in the community. Because filming has the potential to disrupt orderly life in a small community, the public welfare and safety require that it be appropriately regulated and that applications for filming be handled in a consistent manner.

2. Filming permits and standards.

A. No commercial, movie, television program, documentary or similar presentation, or any portion thereof, shall be filmed, videotaped, recorded or otherwise made on any private property or public property, including but not limited to streets, sidewalks, parks and buildings, in the Town of East Fishkill without first obtaining a permit. A permit shall be required for the running of cable, the placing or storing of equipment of any kind, the parking of vehicles used in connection with filming or any other film-related activity on

any public or private property within the Town or for any other use of such property for the purpose of filming.

- B. An application for a permit shall be submitted to the Town Clerk on an application form to be provided by the Town Clerk.
- C. An application for a filming permit, including any preparatory running of cable, placement or storing of equipment or other activity related to the filming process, must be submitted at least seven (7) days prior to the date the filming is to take place for a one-day shoot and fourteen (14) days for any shoots of more than one day. D. Time restrictions.
- (1) The applicant shall submit a proposed filming schedule with its application. The Town Supervisor, with the advice of the Town Engineer, Highway Superintendent and the Police Chief, may accept, deny, or modify the proposed filming schedule. Any modification by the applicant to an approved filming schedule is subject to the same review requirements as the initial proposed filming schedule.
- (2) Construction related activities such as the setup and cleanup of all equipment used in connection with such filming, including but not limited to facilities, lights, generators, and related equipment, must comply with Chapter 132 of the Town Code.
- E. The Town Supervisor, with the advice of the Town Engineer, Highway Superintendent and Police Chief, shall have the authority to approve or disapprove an application for a permit and to establish such conditions for filming as deemed necessary to protect the health, safety, and welfare of the residents of the Town of East Fishkill.

3. Insurance required.

A certificate of insurance must be submitted with the application for any filming permit involving the use of public or private property for the purpose of making films, naming the Town of East Fishkill as an additional insured, in the following amounts:

- A. Property damage: \$1,000,000 per individual; \$1,000,000 per occurrence.
- B. Personal injury: \$1,000,000 per individual; \$1,000,000 per occurrence.

4. Filming on Public property.

Applications for filming on public property shall require approval by the Town Board.

5. Use of Town employees.

A. An applicant shall be responsible for all costs associated with the use of Town employees during the filming process. Payment of the estimated costs, as determined by the fee schedule adopted by the Town Board, shall be made in advance of the filming and shall be a condition of the permit. Any adjustment upward or downward, based on the actual costs incurred by the Town, shall be made after the filming is completed.

- B. The decision whether to use Town employees shall be the responsibility of the Town Supervisor, with the advice of the Town Engineer, Highway Superintendent and Police Chief.
- C. If the Town determines that the use of Police Officers is needed for crowd and/or traffic control, then the applicant is solely responsible for these costs.

6. Fees.

Fees shall be adopted by resolution of the Town Board.

7. Compliance with Codes

An applicant must comply with all sections of the Town Code and the New York State Uniform Fire Prevention and Building Code, and must obtain all necessary permits in addition to the filming permit.

8. Right to Inspect

The Building Department or any of its designated agents shall have the right to inspect the area of filming without providing prior notice.

9. Previous offenses.

No applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

10. Penalties for offenses.

Any person or entity who shall fail to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of \$500 or imprisonment for a term not exceeding 15 days, or both such fine and imprisonment. Each violation of any provision of this chapter shall be a separate and distinct offense; and in the case of a continuing violation, every day's continuance thereof shall be deemed to be a separate and distinct offense.

11. Exclusions; television news.

This chapter shall not apply to the filming by a television news crew of an event occurring contemporaneously within the Town of East Fishkill.

12. When effective.

This chapter shall become effective immediately upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL CAROL HURRAY, TOWN CLERK

Adopted on the 24 day of September, 2020.

Motion to adopt the Negative Declaration and adopt the Local Law: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

2. Open Public Hearing to consider updating a law with respect to Deputy Clerk, Town Comptroller as well as others

Supervisor D'Alessandro stated this has been tabled until the October 22, 2020 meeting.

Approve Minutes:

August 27, 2020

Motion to approve the minutes for the August 27th, 2020 meeting: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there is one addition to the agenda. It is the acknowledgment of promotions at the Highway Department.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who would wish to speak on agenda items or town items.

Jen Oppenheim stated she was present last month when the Board adopted Local Law Number Four and Local Law Number Five. She stated she did F.O.I.L. the details as to when that law was sent to the Board of Elections. She spoke about timelines and conversations regarding these local laws. Attorney Wood spoke to the legalities and the wording regarding the ballot propositions. He stated the publication in the newspaper stated that the local laws were available for inspection, which they were all the way up to their adoption and clearly stated all the wording. He stated they also held the Public Hearing after they were able to have meetings in person so they were able to get public input.

Sam Oppenheim asked to have those propositions referenced above removed from the ballot as well.

Receive and File

Supervisor D'Alessandro stated there was a letter regarding 16 Fishkill Hook Road, asking that it be re-adjourned for six months. Supervisor D'Alessandro

stated this was a building that was to be demolished as a dangerous building. The property owner is looking at the possibility of repairing the deficiencies. They will need to put up a more secure fence around the property.

Motion to re-adjourn this decision for six months: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried

Resolutions:

1. Award Snow Plow, Sand and Sidewalk Clearing Bids

RESOLUTION (AUTHORIZING SNOW PLOW AND WINTER BIDS)

WHEREAS, under the Highway Law, the Highway Superintendent is allowed to utilize private contractors to assist him in the clearing of roads during the winter storms; and

WHEREAS, on a 2 year basis the Town solicits bids for contractors to assist the Highway Superintendent; and

WHEREAS, bids have been received by the Town Clerk and are summarized on the attached schedule; and

WHEREAS, that are a few snow plow bids were submitted with minor inconsistences. The Highway Superintendent is asking the board to accept these two bids along with all other bids; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept and approve the all bids on the attached schedule for the contractors listed therein to be utilized by the Highway Superintendent in the clearing of snow and ice in the winter season from the Town roads; and

BE IT FURTHER RESOLVED, that the Ice Control Sand Bid be awarded to Red Wing Properties, and the Sidewalk Snow Maintenance be awarded to Beechtree Holding, LLC

Motion to award snow plow, sand and sidewalk clearing bids: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

2. Authorize a Construction Management Services Agreement with HVEA for the Reconstruction of Fishkill Road and Route 82 at Estimate Cost Not to Exceed \$60,000

RESOLUTION

(Authorize a Construction Management Agreement with HVEA for Reconstruction of Fishkill Road and Route 82)

WHEREAS, that the Town has executed a contract with ELQ Industries, Inc. for the Reconstruction of Fishkill Road and Route 82 project; and

WHEREAS, Toll Brothers have submitted funds to the town to improve the intersection; and

WHEREAS, the Town Engineer has requested that Town authorize a construction agreement with Hudson Valley Engineering Associates to oversee said project; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer requests that fees for said a project should not exceed the sum of \$60,000.

Motion to authorize a Construction Management Services Agreement with HVEA for the Reconstruction of Fishkill Road and Route 82 at estimate cost, not to exceed \$60,000: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

3. Authorize the Hiring of a Part-Time Deputy Court Clerk

RESOLUTION (APPOINT PART-TIME DEPUTY COURT CLERK)

WHEREAS, the Town Justices have requested the hiring of a Part-time Deputy Court Clerk; and

WHEREAS, the Town Justices are requesting that Sarah Jensen be appointed for the position effective September 28, 2020; and

WHEREAS, Sarah Jensen will be hired as a Part-time Deputy Court Clerk with a salary of \$15.04;

NOW, THEREFORE, BE IT RESOLVED, It is the desire of the Town Board to appoint Sarah Jensen to the Part-time Deputy Court Clerk position.

Motion to authorize the hiring of a part-time Deputy Court Clerk: Board Member Beephan. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

4. Refer Application of Blue Water for Reuse Special Permit to Planning Board and Set Joint Public Hearing with Planning Board for November 5, 2020 at 7:00 PM

RESOLUTION (BLUE WATER GROUP WEST CAMPUS)

WHEREAS, Blue Water Group has applied for a Reuse Special Permit and Site Plan approval for the West Campus (Tax Grid #s:6355-00-501905, 6355-00-854904 and 6356-04-606028; and

WHEREAS, the Reuse Permit is issued by the Town Board; and

WHEREAS, the Planning Board and Town Board will hold their required Public Hearings con-currently;

NOW, THEREFORE, BE IT RESOVLED, that the Blue Water Application for a Reuse Special Permit and Site Plan approval is hereby referred to the Planning Board; and

BE IT FURTHER RESOLVED, that a Joint Public Hearing of the Town Board and Planning Board will be held on November 5, 2020 at 7:00 p.m. at the Town Hall meeting room.

Motion to refer the application of Blue Water for Reuse Special Permit to Planning Board and set a joint Public Hearing with the Planning Board for November 5, 2020 at 7:00 PM: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

5. Receive and File Tentative 2021 Town Budget and Set Public Hearing for October 22, 2020 at 7:00 PM

RESOLUTION (RECEIVING THE TENTATIVE TOWN BUDGET SET PUBLIC HEARING FOR THE 2021 BUDGET)

WHEREAS, as required by NYS Law, the Town Supervisor has filed with the Town Clerk his tentative budget; and

WHEREAS, by law, the Town Board must receive and acknowledge receipt of the budget within five (5) days of its filing;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge receipt of the 2021 tentative budget as filed by the Town Supervisor with the Town Clerk in accordance with law; and

BE IT FURTHER RESOLVED, that the Public Hearing for said Budget for October 22, 2020

Motion to receive and file tentative 2021 Town Budget and set a Public Hearing for October 22, 2020 at 7:00 PM: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

6. Set Special Town Board Meeting Before Regular Workshop on October 8, 2020 at 7:00 PM

RESOLUTION (SCHEDULING A SPECIAL TOWN BOARD MEETING)

WHEREAS, the Town Board hereby authorizes a Special Town Board Voting Meeting prior to the Workshop to be held on October 8, 2020.

WHEREAS, the Town Board hereby authorizes a Special Town Board Voting Meeting prior to the Workshop to be held on October 8, 2020 at 7:00 PM after the Public Hearing for the Budget for Benefit Assessments; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will conduct a Special Meeting on October 8, 2020 at 7:00 PM for the purpose of declaring the Town Board a Lead Agency with regards to the application of Blue Water for Reuse Special Permit.

Motion to set a special Town Board Meeting before the Regular Workshop on October 8, 2020 at 7:00 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

7. Set Public Hearing on Benefit Assessments for October 8, 2020 at 6:30 PM

RESOLUTION

(SCHEDULING A PUBLIC HEARING ON SPECIAL DISTRICT BENEFIT ASSESSMENTS PER §239 OF TOWN LAW)

WHEREAS, property owners within Drainage, Sidewalk, Water and Sewer Districts are charged based on the benefit received by them; and

WHEREAS, each property is charged benefit units to cover capital costs and O&M charges for usage; and

WHEREAS, the benefit assessment roll has been finalized for 2021 and is available at the Town Clerk's office for review; and

WHEREAS, the Town Board must offer the affected property owners the right to be heard with respect to the number of units assigned to them.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board will hold a Public Hearing on the 2021Benefit Assessment Roll on October 8, 2020 at 6:30 PM to consider the benefit assessment roll for 2021.

Motion to set a Public Hearing on Benefit Assessments for October 8, 2020 at 6:30 PM: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

8. Authorize the Hiring of Part-Time Temporary Typists

RESOLUTION (APPOINT TOWN HALL TEMPORARY PART-TIME TYPISTS)

WHEREAS, the Town is in need from time to time of temporary employees commonly referred to as floaters to assist in the clerical functions necessary to operate Town Departments; and

WHEREAS, the Town Clerk has interviewed several applicants and recommends Cathy Snyder, Frances Rizzi and Lenore Duwe to the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the applicants are hereby appointed as temporary part-time typists in the Town, being paid at the hourly rate of \$15.04; and

BE IT FURTHER RESOLVED, that said typists shall work at the pleasure of the Town Supervisor in accordance with all the previously established rules and regulations and will be removed from the payroll upon completion of their tasks.

Motion to authorize the hiring of a part-time temporary typists: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

9. Acknowledge the promotions of the Highway Department

RESOLUTION (ACKNOWLEDGE PROMOTIONS AT HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has identified the need for three Construction Equipment Operator I (CEO1) positions; and

WHEREAS, the Highway Superintendent has submitted a letter to the Town Board, requesting such positions to be filled; and

WHEREAS, the Highway Superintendent has promoted Town Highway employees Ryan Knapp, Ethan Kelly, and Brian Tucker to the Construction Equipment Operator I position; and

WHEREAS, such persons have satisfied the minimum qualifications for said position, as determined by Dutchess County Human Resources;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby acknowledge the promotion of Ryan Knapp, Ethan Kelly, and Brian Tucker to Construction Equipment Operator I (CEO1) in the Highway Department. Such persons will be paid per the CSEA Collective Bargaining Agreement Salary Schedule; and

BE IT FURTHER RESOLVED, such persons will be promoted to the new title of Construction Equipment Operator I effective September 25, 2020.

Motion to acknowledge the promotions of the Highway Department: Board Member Beephan. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Budget Transfer:

Supervisor D'Alessandro stated there were budget transfers at this time. These were provided by the Comptroller and reviewed by the Board.

Motion to approve budget transfers as presented by the Comptroller: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Comments from Town Board Members:

Board Member Beephan thanked everyone in the Recreation Department for all their hard work. The seasonal staff was phenomenal with all of the curveballs thrown at them. The Highway Department was very helpful with them also. He thanked the Police Department and Fire Department for everything they do for the community. He asked the public to make complaints to the FCC regarding the Optimum issues. He congratulated Hudson Square Boutique, which was named yesterday as a Best of Hudson Valley recipient. He sent his deepest sympathies to the Neckles family. Supervisor D'Alessandro thanked Board Member Beephan for all of his help on the Optimum issue.

Board Member Franco thanked Chief Bellino and the Police Department. The department is very well trained, courteous, and professional.

Board Member Marinaro stated he was on a committee working with the Conservative Party and the Dutchess County Sheriff for the Red White and Blue 9/11 Unity Ceremony that was held on September 11. There was a caravan that started at Dutchess Stadium and ended at St. Kateri. Then there was a memorial service at the church. He thanked the Town Board for their participation. He thanked all of the different departments that participated in the event that day. In regards to the Highway Department there has been an increase in calls for dead deer on the side of the highway. They do believe it is due to a virus. It is a nontransferable virus. The Highway Department is taking up any carcasses that are in the town right of ways. They cannot go on private property. A lot of paving has been completed as well as catch basins and pipework on various roads. They are also helping with the renovation at the police department and helping the Historical Society. Superintendent Williams works very well with the Board.

Board Member Cassidy thanked Board Member Marinaro for the 9/11 ceremony. This is the first time in 20 years there was not a Community Day. He thanked all of the town employees who were back to work.

Police Chief Bellino stated there were 2063 calls for service, 79 Offense Reports, 25 arrests, and 39 accidents. On September 29 there will be a training called Hope Not Handcuffs. There was a structure fire in Hopewell that resulted in a fatality. On behalf of the Police Department prayers go out to the family. The fire department was there at the same time as the police officers and did a fantastic job. There was an opium overdose this morning that police responded to and after four Narcan doses they were able to bring this patient around. There was a second overdose later this morning that police were also able to bring the patient back. They have notified the Drug Task Force as well. Officer White will be appointed the new resource officer at John Jay High School. He is a 12-year veteran with this department as well as years of service as a CO. He has the perfect attitude and ability to work with our kids in the school. His new assignment will begin in October. Board Member Beephan stated one of the principles from John Jay reached out to say what a great job Officer Vaughan did as the Resource Officer.

Highway Superintendent Williams stated the two lines they are slightly over budget on is the painting and signs and the line that deals with safety issues. He is speaking with Supervisor D'Alessandro on doing some internal transfers. He stated that the deceased deer count for this week alone is at 12. Board Member Beephan asked if the infected deer had to be disposed of in a specific manner. Highway Superintendent Williams stated he did contact DEC and there is no effects to humans or other animals.

Supervisor D'Alessandro stated the DOT contractor is continuing milling operations on Route 82 from Clove Branch Road to the railroad bridge past Martin Road. They will pave that section on Friday. On Monday they will go from the

railroad bridge to 100 feet east of Church Street, then skip over those three signalized intersections and then start up again at the three-lane section from the post office to Trinka Lane. If necessary, it will go into Wednesday. This will be put on the website and Facebook pages. Supervisor D'Alessandro stated that now that Fishkill Road and Leetown Road are both paved, they have become speed courses. He asked if they could get more police patrols out there. They are getting a lot of complaints from Hillside Lake residents about speeding. He thanked all the residents that call his office offering help for different things.

<u>Motion for Adjournment: Time:</u> Motion to adjourn the regular meeting at 8:23 PM: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

<u>Town Board Meetings:</u> Workshop/Special Voting Meeting: October 8, 2020 Regular Meeting/Budget Hearing: October 22, 2020

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray – September 30, 2020